IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTIETH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 1522 of 1997

Between:

V.Balapullaiah son of V.Gurappa
21/640, Seshkugari Thota, Rameswarapet , Proddatur Town
Cuddapah Dist

..... PETITIONER

AND

1 The Member-Secretary
APSEB, VidyuthSoudha Hdyerabad.,49
2 The Director (Personal)
APSEB., Vidyuth Soudha Hdyerabad.49
3 The Chief Engineer R.T.P.P
(Rayalaseema Thermal Power Project) Kalamalla villlage, Yerraguntla

Mandal, Cuddapah Dist
4 The Superintendent Engineer, APSEB., Cuddapah
5 The Executive Engineer APSEB
T.L.C. Division, Cuddapah Dist
6 The Mandal Revenue Officer, Yerraguntla Mandal, Cuddapah Dist

7. The A.P.GENCO, Vidyuth Soudha, rep. By its Managing Director,

Hyderabad. – R7 impleaded as per Court Order dated 20-08-2004 in WPMP No.19174 of 2004.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direct more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents 1 to 4 in not considering the case of the petitioner for any suitable appointment in their organisation, as illegal, arbitrary and unconstitutional and consequently direct the respondent to consider the case of the

petitioner for any suitable post;

Counsel for the Petitioner:MR.A.CHANDRA BABU

Counsel for the Respondents: (SC FOR A.P.S.E.B.)

The Court made the following :

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O R D E R:

This Writ petition is filed by the petitioner aggrieved by the action of the respondents in not considering his case for appointment in terms of the scheme formulated by the erstwhile APSEB, presently APGENCO which was formed in place of the erstwhile State Electricity Board.

2 . According to the petitioner, he is a diploma holder in Electrical Engineering (L.E.E.). It is stated that due to the financial problems, he could not prosecute further education. It is further stated that the respondents have acquired the land of the father of the petitioner, who owned one acre of patta land situated in survey No.76/1 of Kalamallapalli for construction of Rayalaseema Thermal Power Project by paying compensation of Rs.46,587.50 as per Award No.2/91-92 passed by the 5th respondent. At that time, the respondents have promised to the owners of the land, whose lands have been acquired that they will provide employment to one person in the family. In pursuance of the scheme formulated by the respondents, the petitioner submitted his application seeking appointment as none of his family members were employed. Thereafter, the petitioner came to know that some other similarly placed persons were appointed by the respondents. But however, the case of the petitioner was not considered. On enquiries the petitioner came to know that his case was also referred to the 6th respondent-Mandal Revenue Officer (MRO) for verification. After verification, the M.R.O. submitted his report to the Member Secretary of the erstwhile State Electricity Board, Hyderabad by his letter dated 11-10-1994 informing him that the petitioner's father, who is the owner of the land has got three sons and three daughters, but none of his sons were employed in any Government organization. Though the respondents have received the said report in the year 1994, no action was taken by them. Therefore, the petitioner had come up with the present writ

petition and sought for a direction to the respondents to consider his case for appointment under the scheme formulated by the respondents.

3. A counter has been filed on behalf of the respondents admitting that the land of the petitioner's father was acquired along with the land of some other owners by paying compensation of Rs.46,587.50 ps. It is also admitted that as per the scheme, one of the dependents of the persons whose lands were acquired, is entitled for appointment and they were required to make applications within a period of one year from the date of the acquisition of the lands. In the instant case, the land of the father of the petitioner was acquired in the year 1991-92 but the petitioner had made an application on 04-01-1993. Therefore, the claim of the petitioner was not considered, as his application was belated.

4. At the time of hearing, the learned counsel for the petitioner contended that though it was alleged that the petitioner's claim was rejected on the ground of belated application, but, when once the application of the petitioner was referred by the respondents for verification to the M.R.O, who in turn sent his report bringing to the notice of the respondents the fact that none of the family members of the petitioner are employed in the Government, shows that the application of the petitioner was taken up for consideration by the respondents. But for the reasons best known, the respondents did not consider the case of the petitioner for appointment. Therefore, the action of the respondents in not considering his case is illegal and unsustainable.

5. The learned standing counsel for the respondents, however, reiterated the stand taken in the counter. He states that according to the scheme formulated by the Board, the application for job had to be made within one year from the date of acquisition and that the petitioner has in fact, made an application beyond the period of one year. Hence his case was not considered. Though time was granted to the learned standing counsel for the respondents to ascertain under what circumstances the application of the petitioner was forwarded to the MRO for verification, nothing was informed to the Court.

6 . Even though, the stand of the respondents was that the application of the petitioner for appointment was beyond the time, but the said application was acted upon by sending the same to MRO for verification and after verification, it is not open to say that the application is beyond the time. Under the above circumstances, the

action of the respondents as well as the stand taken in the counter is illegal and unsustainable. The respondents ought to have considered the case of the petitioner on merits and ought to have given appointment if he fulfils all the criteria under the scheme formulated for providing employment to one of the members of the family whose lands have been acquired by the respondents.

7 . Under the above circumstances, the writ petition is disposed of directing the respondents to consider the application of the petitioner for appointment under the scheme which was formulated by the erstwhile APSEB, presently APGENCO, for providing employment to one member of the family, whose lands have been acquired. The respondents are directed to consider the case of the petitioner as expeditiously as possible preferably within a period of two months from the date of receipt of a copy of the order and communicate the same to the petitioner. No costs.

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S.ANANDA REDDY,J.

20-08-2004.

Mjl/*

To

1 The Member-Secretary, APSEB, VidyuthSoudha Hdyerabad.,49
2 The Director (Personal) APSEB., Vidyuth Soudha Hdyerabad.49
3 The Chief Engineer R.T.P.P. (Rayalaseema Thermal Power Project)

Kalamalla villlage, Yerraguntla Mandal, Cuddapah Dist
4 The Superintendent Engineer, APSEB., Cuddapah
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